

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAFAEL MESSA,

Plaintiff,

vs

9:07-CV-306

R.K. WOODS, Superintendent; J. HYDE,
Corrections Sergeant; N. GUERIN, Corrections
Officer; M. KEMP, Corrections Officer; K. EDDY,
Corrections Officer; D. BUFFHAM, R.N.; and
P. DABIEW, R.N., All of UpState Correctional
Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

RAFAEL MESSA
Plaintiff, Pro Se
99-A-1402
Southport Correctional Facility
PO Box 2000
Pine City, NY 14871

HON. ANDREW M. CUOMO
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Albany, New York 12224

ADELE M. TAYLOR-SCOTT, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Rafael Messa, brought this civil rights action in March 2007, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 30, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for partial

summary judgment (Docket No. 44) be granted, in part, and that all of plaintiff's claims against defendants Woods and Buffham be dismissed, but that defendants' motion otherwise be denied. The plaintiff has timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

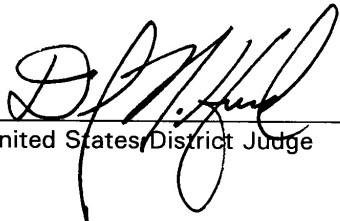
Accordingly, it is

ORDERED that

1. Defendants' motion for partial summary judgment (Doc. No. 44) is GRANTED, in part;
2. All of plaintiff's claims against defendants Woods and Buffham are DISMISSED;
3. Defendants' motion otherwise is DENIED; and
4. A trial date will be issued in due course.

IT IS SO ORDERED.

Dated: September 23, 2009
Utica, New York.


United States District Judge